

BOSTON BOROUGH COUNCIL

Planning Committee – 5th April 2022

Reference No: B/21/0512

Expiry Date: 15-Mar-2022

Extension of Time: N/A

Application Type: Major - Full Planning Permission

Proposal: Erection of additional 2 no. poultry units with associated infrastructure

Site: Bank Farm, Silvertoft Lane, Frampton West, Boston PE20 1RX

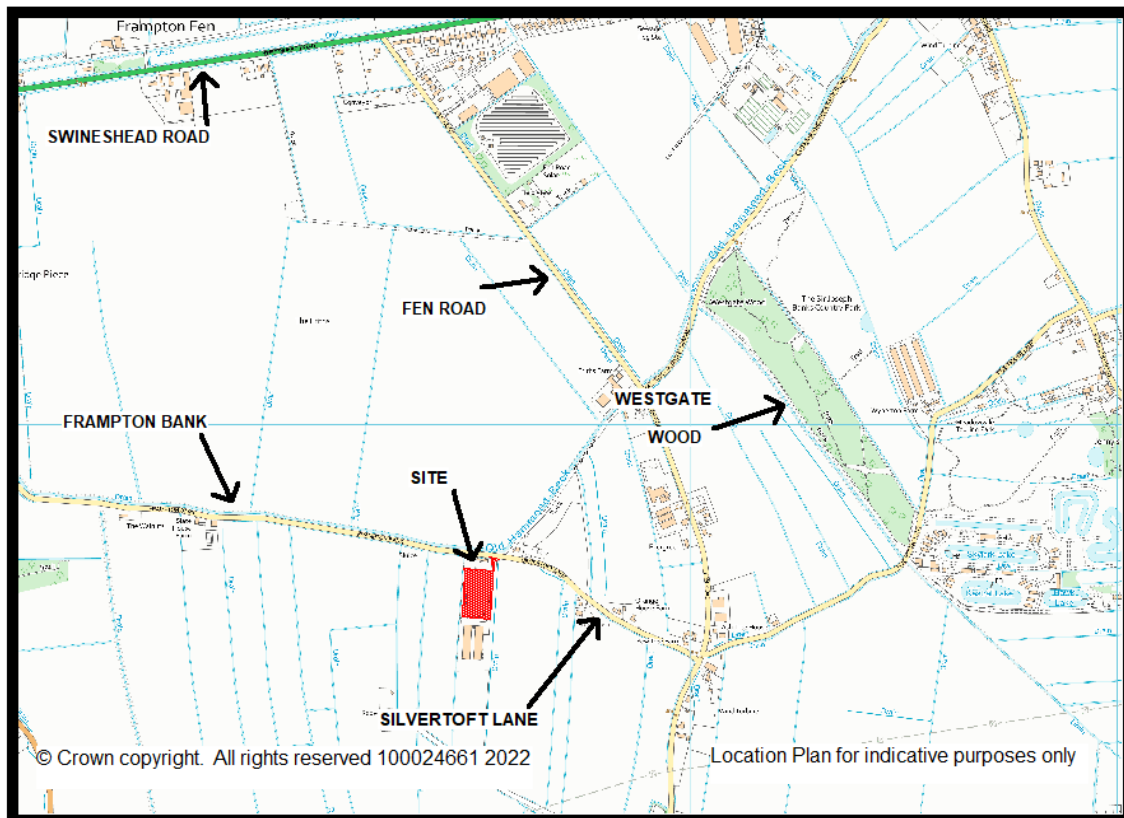
Applicant: Mr Gott, Stonegate Farmers Ltd

Agent: HPA Chartered Architects

Ward: Kirton and Frampton Parish: Frampton

Case Officer: Richard Byrne Third Party Reps: 1

Recommendation: Approve



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee to accord with the Council's constitution as the proposal is an Environmental Impact Assessment development.

2.0 Application Site and Proposal

- 2.1 The application site is located off Frampton Bank, Frampton and is within the countryside. The site comprises the two main poultry buildings and associated paraphernalia approved under planning permission B/13/0384.
- 2.2 The site is essentially bound by field drains to the east, south and west and Frampton Bank to the north. In terms of surroundings, the area is predominantly agricultural. The topography is flat, and the site lies entirely within Flood Risk Zone 3 (FRZ3).
- 2.3 Planning permission is sought for the erection of two buildings which are to be sited north of the existing units at Bank Farm. The application is accompanied by an Environmental Statement, as discussed later in this report.
- 2.4 The proposed two new buildings will be identical in size and layout, with approximate dimensions comprising 80 metres x 18 metres with a ridge height of 5 metres. A proposed 9 metre x 3 metre passageway connects the two. Each Unit has a single silo for feed.
- 2.5 The units are clad in preservative treated timber weatherboard (coloured brown), with profiled metal roof, polyester powder coated (coloured slate blue).
- 2.6 These two no. units although same in dimensions would have a different internal layout to allow a capacity of 34,000 birds in each unit, providing an additional 68,000 birds within the two new units. The Site would increase the capacity across Bank Farm to a combined total of 132,000 birds.
- 2.7 It is understood that the existing access will be improved which shows that 16.5m articulated vehicles can enter and leave the site without overrunning the highway verge.
- 2.8 Within the Site boundary, the proposed construction area encompasses an area approximately 0.8 hectares.
- 2.9 The application is accompanied by plans showing the proposed development and the following documents and supporting information:
- Application form;
 - Heritage Statement;
 - Flood Risk Assessment and Drainage Strategy
 - Transport Statement;
 - Design and Access Statement
 - An Environmental Statement (ES) including chapters or appendix documents under the headings of:
 - 1) Non-technical summary
 - 2) Consideration of Alternatives

- 3) Water Resources including Flood Risk
- 4) Air Quality, incl. Ammonia, Odour and Dust
- 5) Greenhouse Gas (GHG) Emissions
- 6) Noise
- 7) Access, Traffic and Transport
- 8) Ecology
- 9) Landscape and Visual
- 10) Pest Control
- 11) Combined and Cumulative Effects
- 12) Environmental Action Plan

3.0 Environmental Statement

- 3.1 Under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, "EIA development" means development which is either Schedule 1 development or Schedule 2 development that is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.
- 3.2 Under Schedule 1 of the 2017 Regulations for the purposes of the definition of "Schedule 1 Development" is to be the carrying out of development to provide the following —

Paragraph 17. Installations for the intensive rearing of poultry or pigs with more than 85,000 places for broilers or 60,000 places for hens;
- 3.3 The proposal will increase the existing farms capacity from 64,000 to 132,000 birds, which is the maximum number of birds that the existing and proposed units could accommodate when fully stocked.
- 3.4 As such the proposed works exceed the criteria within Schedule 1 of the EIA Regulations and therefore the application becomes an Environmental Impact Assessment (EIA) application which triggers specific publicity and consultation requirements, determination timescales and procedural processes. These are defined in the EIA Regulations which apply a European Directive to the planning system in England. The potential content of the ES was the subject of a scoping opinion request which was replied to and adopted on 27 May 2021.
- 3.5 The aim of EIA is to protect the environment by ensuring that when deciding whether to grant permission which is likely to have significant effects upon the environment, the decision-maker does so in the full knowledge of the likely significant effects and this is taken into account in the decision making process.
- 3.6 The EIA Regulations prohibit the granting of permission for EIA applications unless the 'environmental information' has been considered by the decision-maker. The environmental information comprises the ES and all of the representations received, including responses from defined statutory consultees. This process of consideration together is known as the 'Environmental Impact Assessment'. The decision-maker must inform the public of the subsequent decision and the main reason for it.

- 3.7 The aspects of an environment that may be significantly affected are set out in the regulations and the ES should cover, amongst other things, indirect, secondary and cumulative effects.

4.0 Relevant History

- 4.1 B/21/0294 - Conversion and change of use of an agricultural storage building to 2no. Agricultural Workers Dwellings. Refused 13 August 2021.
- 4.2 B/21/0136 - Scoping opinion under Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 with respect to the poultry rearing farm – 02/06/2021.
- 4.3 B/20/0471 - Application under s73, to remove Condition 5 (Poultry Unit) attached to planning permission B/13/0384 which was for the erection of 2 no. poultry rearing buildings, 2 no. associated feed bins, 4 no. LPG tanks and incinerator, change of use of stable block to a general store incorporating farm amenities, hardstand, access roads and associated parking and landscaping – Approved on 15/02/2021.
- 4.4 B/13/0384 - Resubmission of B/13/0244 for the erection of 2 no. poultry rearing buildings, 2 no. associated feed bins, 4 no. LPG tanks and incinerator, change of use of stable block to a general store incorporating farm amenities, hardstand, access roads and associated parking and landscaping – Approved on 10/01/2014.
- 4.5 B/13/0244 - Erection of 2 no. poultry rearing buildings, 2 no. associated feed bins, 4 no. LPG tanks and incinerator, change of use of stable block to a general store incorporating farm amenities, hardstand, access roads and associated parking and landscaping – Withdrawn on 27/09/2013.
- 4.6 B/08/0420/CD2 - Application to have approved details relating to condition 4 following the grant of planning permission B/08/0420 for the erection of a stable block – Approved on 05/05/2011.
- 4.7 B/08/0420/CD1 - Application to have approved details relating to condition 2 and 4 of granted planning permission B/08/0420 – Approved on 02/11/2010.
- 4.8 B/08/0420 - Stable Block – Approved on 02/09/2008.

5.0 Relevant Policy

- 5.1 The application site is outside of a settlement boundary. The site is not specifically allocated for any purpose by the Proposals Map associated with the South East Lincolnshire Local Plan (2011-2036) i.e. SELLP. As such the following policies contained within the SELLP are relevant to this application:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 7: Improving South East Lincolnshire's Employment Land Portfolio
- Policy 28: The Natural Environment
- Policy 29: The Historic Environment

- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 36: Vehicle and Cycle Parking
- Appendix 6 - Parking Standards

5.2 The National Planning Policy Framework (2021 iteration) is a material consideration in decision-making. The parts of the NPPF that will be of particular relevance to the proposed development are:

- Chapter 1. Introduction
- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 6. Building a strong, competitive economy
- Chapter 9. Promoting sustainable transport
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

5.3 There are no listed buildings, protected trees, Conservation Areas or Scheduled Ancient Monuments within the site. However, there are designated and non-designated assets in proximity as described later in this report. The quality of the agricultural land appears from DEFRA records to be of the highest quality, Grade 1.

6.0 Representations

6.1 The application has been advertised as being accompanied by an Environmental Statement. A notification letter to a nearby property to the application site has been sent in addition to the National Planning Casework Unit being notified of the application. A Site Notice has been erected adjacent to the main entrance off Silvertoft Lane. An advertisement has been published in the press to accord with the procedures set out in the DMPO and the Council's Statement of Community Involvement.

6.2 One representation has been received and is summarised as the following:

- The road test was carried out just after we had come out of lockdown and even now people are staying at home.
- Highways has decided that all traffic using the chicken farm shall always use Silvertoft Lane, not Frampton Bank. Exiting Silvertoft Lane is a dangerous task. There is no line of site when exiting onto the Fen Road especially so when turning right towards Ralphs Lane. The property opposite the entrance to Silvertoft Lane put up a convex blind spot mirror to try and help with the problem but that got smashed.
- So any increase in traffic using Silvertoft Lane will increase the risk of a serious accident.
- Since the new owners have taken over the number of chickens has greatly increased from 17500 to 64000, so the noise from the fans has increased greatly and is almost constant now. We believe that the noise already exceeds the 30 dB limit at the north boundary. The number of feed lorries had also double to 2 a week. If this planning application goes ahead there will be 132000

chickens so the associated noise will be much greater still being very much closer to our home.

- Two photos provided showing delivery vehicles coming off the road;
- Refers to the withdrawn application and the Highway Authority comments of the time which advocated rearing of grand grandparent pullets and the use restricted to the use of the applicant.

7.0 Consultations

7.1 Natural England – no objection

- Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

7.2 Environment Agency – 17 January 2022

- No objection to the application – recommend informative notes are attach to any permission.

7.3 Black Sluice IDB – received 12 January 2022

- Rainfall Runoff - It is understood from the documentation provided that surface water from the development is to be discharged into a watercourse via an existing system of sustainable drainage. If this is the case, then the rate of discharge from the site must not exceed any previously agreed with the Board (no greater than 1.4 litres per second per hectare). If this rate is to be exceeded, then the prior written consent of the Board is required.
- Disposal of Foul or Dirty Water - It is understood that foul water from the development is to be discharged via a package or bio-treatment unit. If the final discharge is to a watercourse, then the Boards prior written consent is required. If the discharge is to soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code.
- Filling in or Culverting Watercourses - There are a number of watercourses bounding the site.

7.4 Conservation Advice – received 7 January 2022

- Designated Heritage Assets - Frampton West Farmhouse (Grade II listed)
- Non-Designated Heritage Assets - Historic Farm complexes within the setting of the site
- No issues in principle, the proposals for green landscaping should be enhanced to ensure that the impact is reduced as far as possible.

7.5 Highway Authority – received 30 December 2021

- Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the operation of the proposed two additional poultry units and associated infrastructure would not be expected to have an unacceptable impact upon highway safety and does not wish to object to this planning application.

7.6 Environmental Health – received 26 November 2021

- In these type of applications air quality, odour and noise are the main concerns from an Environmental Health perspective. The application appropriately

assesses the impacts of each and provided acoustic attenuators are fitted to each of the proposed roof fans then the impacts on air quality, odour and noise are assessed as negligible. Having considered the application Environmental Health have no objections.

7.7 Lincolnshire Wildlife Trust – received 16 March 2022

- Questioned the potential effects of nitrogen deposition on two Local Wildlife Sites (LWS) within 2km of the proposed application for increased poultry units. The Environmental Statement – Volume 2: Main Text Bank Farm, Boston by Delta Simons (Nov 2021) - correctly identifies Westgate Wood and Meadow, and South Forty Foot Drain LWSs, located 0.75km to the north-east and 1.75km to the north of the application site, respectively. A Simple Calculation of Atmospheric Impact Limits from Agricultural Sources (SCAIL-Agriculture) was undertaken. The results indicate that the proposed development's NH3 process contribution will be less than the lower threshold of the relevant critical load for LWSs and therefore, the resulting impact is negligible.
- Lincolnshire Wildlife Trust have no further comments to make on this assessment.

- All recommendations in Chapter 7 of the Environtech Ecological Appraisal report (dated 2020 & within the Environmental Statement – Volume 4: Technical Appendices) should be conditioned with the addition of the following:
 - 1) Translocated trees that don't survive should be replaced.
 - 2) Landscaping Schemes - Sowing and planting, including trees should be appropriate to the local landscape and ecology, include native species of local provenance and of known value to wildlife.
 - 3) The planning application should include a Landscape and Biodiversity Management Plan (LBMP), which should detail and secure long-term management, maintenance and monitoring requirements of any newly created or enhanced habitats.
 - 4) Lighting overspill from the site should be avoided. Lighting should be functional, directional and conform to the current guidance 'Bats and artificial lighting in the UK' written by the Institution of Lighting Professionals and the Bat Conservation Trust. Further guidance can be found on the Bat Conservation Trust website.

8.0 Planning Issues and Discussions

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of a planning application must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are:

- Principle of the development
- Impact on the character and appearance of the landscape
- Impact on neighbouring land uses
- Heritage Matters
- Access, parking and highway safety
- Flood risk and drainage
- Habitats Regulations Assessment
- Ecology
- Biodiversity

Principle of the development.

- 8.2 SELLP Policy 1 seeks to concentrate development and activity into the area's existing towns and villages and identifies that, in the Countryside, *“development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits.”* The Policy's justification identifies agriculture as a use that would be appropriate in the countryside.
- 8.3 The application site is currently in an area dominated by agricultural uses interspersed by farmsteads. The proposal involves the expansion of the agricultural use, and it is considered that it meets the requirements of SELLP Policy 1.
- 8.4 The proposed new agricultural building to accommodate the pigs is within the existing envelope of the farm complex. The Applicant owns a number of egg-laying farms within the area and that the pullets reared within the existing and proposed farms will stock the egg-laying farms. It is anticipated that it would introduce employment opportunities for three full time positions.
- 8.5 It is considered the proposed development achieves the principle of development and satisfies SELLP Policy 1, subject to the consideration of detailed matters as set out below.

Impact on the character and appearance of the landscape.

- 8.6 SELLP Policy 2 states that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses as well as the quality of its design and its orientation.
- 8.7 SELLP Policy 3 states that all development proposals will create a sense of place by; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area. These Local Plan policies reflect overarching national guidance as set out in the NPPF in paragraph 130 and elsewhere.
- 8.8 It is acknowledged the proposed building would make a significant intervention into a largely flat landform slightly elevated above the adjacent drained fenland. This area benefits from open views with big skies and views to landmark water towers, church towers and spires set amongst mature trees in historic villages. It should still be noted that the area is still intact working rural landscape.
- 8.9 The proposed poultry building is modern and efficient built to required standards and current specifications. The overall appearance of the building is synonymous with the surrounding agricultural setting. The introduction of the proposed building in terms of its size, scale and design would assimilate and be read with the existing agricultural building that exists on the site.
- 8.10 It is noted that soft landscaping has been planted since the erection of the existing building around parts of the site's perimeter. However, the boundary planting has

had mixed fortunes in developing into an established means of enclosure with varying speeds of growth. There are still significant lengths, particularly along the northern boundary which are relatively open to the countryside beyond. It is therefore considered expedient that the landscaping could be further strengthened by planning condition. This would assist in softening the proposed development from long range views from the north and within the site to mitigate the relative slower growth of vegetation on the site's perimeter.

- 8.11 As such it considered the proposed building satisfies SELLP 2 and 3.

Impact on neighbouring land uses

- 8.12 SELLP Policy 2, 3 and 30 advocate that a proposed development should consider if there is an impact on the amenity of the site and neighbouring sites as well as the impact upon neighbouring land uses in terms of noise, odour, disturbance or visual intrusion.
- 8.13 The land adjacent to the east, west and south of the application site comprises arable land. There is a small separation area between the boundary and the sides of the building, however, given the proposed height there would be a degree of overshadowing. Nevertheless, it would not a significant level to withhold planning permission.
- 8.14 The building will be located more than 70m from the nearest residential neighbour to the northeast along Silvertoft Lane (The Conifers) and 200m to Pondarosa which is to the east of the site. At these distances it is therefore considered that they will have no adverse impacts in terms of overlooking/loss of privacy, over-shadowing, loss of light, or harm to outlook.
- 8.15 However, taking into account the poultry use within the building there would be a potential increase in dust, odour and noise which needs to be carefully considered. These matters have been discussed in detail within the Environmental Statement.

Dust

- 8.16 The Environment Statement sets out that the creation of dust during its construction would not be significant. During the operational phases due to the improvement in building designed and envelope localised dust emitted from the site would be a negligible increase to the existing operation on the site.

Odour

- 8.17 Potential odour releases were assessed on the size and nature of the proposed poultry sheds. The ES makes reference to the nearest property, The Conifers, in reaching a conclusion of the overall potential effects not being significant. An Odour Management Plan will be in place in order to make sure that optimal procedures are followed.

Noise

- 8.18 The ES states that construction working hours would be between 08:00 to 18:00 Monday to Fridays and 08:00 to 13:00 Saturdays. There will be no construction work at night-time or on Sundays and Bank Holidays. Furthermore, a Construction Environmental Management Plan (CEMP) is to be produced by the Contractor. This

would also enable that best practice measures are implemented during its construction.

- 8.19 During operation an acoustic attenuator will be required to be fitted for each proposed roof fan to ensure that noise impacts from operational activities remain as not significant to the neighbouring properties.

Consideration of impacts

- 8.20 It is acknowledged there would be a significant increase in the number of birds on the site. However, it is considered that providing acoustic attenuators are fitted to the proposed building the level of noise would be within an acceptable tolerance to satisfy SELLP Policy 2 and 30. Through appropriate use of conditions the level of dust and working hours during construction can be controlled through submission of a Construction Environmental Management Plan (CEMP). In the absence of an objection from Environmental Health it is considered the impact on the surrounding land uses is acceptable.

Heritage Matters

- 8.21 SELLP Policy 2 indicates that development will be permitted which will not have harmful impacts on the character and appearance of the area. SELLP Policy 29 seeks the conservation and enhancement of the area's historic environment.
- 8.22 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, on planning applications that affect the setting of a listed building, to have special regard to preserving its setting. 'Setting' is the surrounding in which a listed building or other 'heritage asset' is experienced. This can vary overtime and according to circumstance since it can be affected by noise, lighting, other land uses and the nature of historic connections with other buildings.
- 8.23 A Heritage Statement accompanies the application and identifies through the Historic Environment Record (HER) there to be a Grade II Listed Building (West End Farmhouse) with 1 km of the site (circa 550 metres as the crow flies), evidence of Roman findings and a number of post medieval properties, registered as non-designated heritage assets.
- 8.24 It is considered the proposed development would have an effect on the settings of the designated and undesignated heritage assets. Taking into account the intervening distances and the size, scale and position of the proposed building it is considered the development would constitute a less than substantial harm to the designated and non-designated heritage assets.
- 8.25 Paragraph 202 of the NPPF requires the LPA to weight the public benefits of the proposal against the less than substantial harm resulting from the development. Paragraph 203 of the NPPF requires a balanced judgement to the effect on non-designated heritage assets of any harm or loss to the significance.
- 8.26 As such the main driver for this application would make a contribution to food production which is considered to be a community benefit. Given it would also be an expansion of an existing business it would contribute towards local employment and support the local economy that is largely within agriculture. As the harm has been identified as less than substantial it is considered in this instance there to be

sufficient factors to outweigh the effect on designated and non-designated heritage assets.

- 8.27 The application site is currently open agricultural land which contributes to the rural setting of designated and undesignated heritage assets. The intensity of the development would alter this character, giving a more enclosed character. Whilst the development shows some landscaping, there is limited information to understand the extent of this mitigation and the impact it will have. As such the landscaping around the perimeter and along Silvertoft Lane should be enhanced which will ensure that the rural character continues to be the predominant characteristic. Tree planting within the spaces between the site's perimeter and the building(s) would also mitigate an impact. This can be secured by planning condition.
- 8.28 It is considered the proposed development would have an effect on the settings of the designated and undesignated heritage assets. However, through the use of planning conditions to ensure additional soft landscaping is incorporated into the site the effect on the settings would not be severely harmed. Further, there are overriding reasons for granting permission which would outweigh the limited harm created.
- 8.29 Turning to archaeology it has been identified that Roman remains have been found and registered under the HER relatively close to the site. The Heritage Statement continues by recommending a single trial trench is dug to establish if there is any archaeological potential within the site. It is unclear if the site has any recordable remains, however, given the size of the building there could be potential of uncovering remains. It is therefore considered expedient to attach a planning condition to secure a scheme of investigation be undertaken before any work commences on the site.

Access, parking and highway safety.

- 8.30 SELLP Policy 2 states that developments will be permitted providing that sustainable development considerations are met relating to access and vehicle generation levels.
- 8.31 SELLP Policy 3 states that developments will be permitted where the provision of facilities for the storage of refuse/recycling bins, storage and/or parking of bicycles and layout of car parking is secured. Appendix 6 supports Policy 3 and sets out the standard for car parking in new developments. Where it can be justified by the character and location of the site the standards may be relaxed.

Wider highway network

- 8.32 The Application Site is accessed from Silvertoft Lane, which is a single-track road. It is acknowledged that this is not ideal and attracts negative weight. Nevertheless, the existing poultry use, on the same site, has been operating now for several years, accessed only from this road.
- 8.33 It is understood that all vehicles arrive from, and depart in, the direction of Fen Road (to the east of the site) and access the wider national highway network via the Fen Road junction with the A52, to the north. The distance between the Fen Road junction and the site entrance is approximately 550 metres.

- 8.34 The Transport Statement includes a count of vehicles using Silvertoft Lane and speed readings of those vehicles. Both the vehicle numbers and the vehicle speeds are low and as such is an acceptable baseline for considering in terms of safety or for capacity.
- 8.35 The Transport Statement also provides details of the number of vehicle movements associated with the use of the existing poultry units and an estimate for the numbers to which vehicle movements would be expected to increase with the proposed two additional units. Similar to the speeds numbers are volumes are relatively low and are considered to not be significant for either safety or for capacity.
- 8.36 It is noted that the representations have drawn attention to vehicles making deliveries to the existing poultry units have run off the edge of the carriageway. However, as a percentage of trips that have been made to and from the site without issue, those occurrences are negligible and the cause of those incidents is more likely to be attributable to driver error than to a systemic problem with the road itself.

Access and egress arrangements and space within the site

- 8.37 The access for the building utilises the existing means from Silvertoft. There is sufficient space at the existing tarmac section of the entrance that delivery vehicles can safely access and egress the site. There is space for vehicle parking and turning in the central area of the site to serve the existing and the proposed building. As such vehicles can enter and leave in a forward gear with sufficient space within the site to provide staff and visitor parking to satisfy SELLP Policy 36.
- 8.38 In all, therefore, it is considered that the proposal will not have harmful impacts upon highway safety, and will therefore meet these requirements of SELLP Policy 2.

Flood Risk and Drainage

- 8.39 SELLP Policy 4 seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. It identifies the process by which planning applications in Flood Zones 2 and 3 will be considered, and sets out particular requirements for certain types of applications. Development within all flood zones (and development over 1 hectare in size in Flood Zone 1) will need to demonstrate that surface water from the development can be managed and will not increase the risk of flooding to third parties.
- 8.40 The Council's Strategic Flood Risk Assessment shows the site is in the 'Danger for all' hazard category with a flood depth range of 1m to 1.6.
- 8.41 The building is for the purposes of poultry rearing and although there is a high risk of flooding, it remains low in the NPPF's vulnerability classification. The submitted flood risk assessment details that a site management plan/flood warning and evacuation plan should be implemented to manage the risk. It is considered that warning and emergency response is fundamental to managing flood risk for this development. As such it is considered expedient to secure a flood warning and evacuation plan by planning condition which will address SELLP Policy 4 in terms of flood risk.

- 8.42 The applicant purports that surface water will be drained to an existing means of a sustainable drainage system. Foul water would be discharged into a package or bio-treatment unit.
- 8.43 There is clearly the availability of open space within the site and although soakaways have been discounted due to the ground conditions there still remains a number of surface and foul water drainage options. The submitted drainage strategy broadly considers the options, though, relies on the final design to identify the preferred manner of drainage.
- 8.44 Given the size of the existing and proposed building it is considered expedient that a planning condition is attached so that all the options can be fully explored to secure the most appropriate manner of surface and foul water drainage system. This will ensure the development satisfies SELLP Policy 2 and 4 in terms of drainage which will not increase the risk of flooding on or off the site.

Habitats Regulations Assessment

- 8.45 The European Union (EU) Habitats Directive protects certain species of plants and animals which are particularly vulnerable. The Directive specifically relates to Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites known as Natura 2000 sites. The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA). The process of HRA involves an initial 'Screening' stage followed by an Appropriate Assessment (AA) if proposals are likely to have a significant (adverse) impact on a Natura 2000 site.
- 8.46 The need for Habitats Regulations Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species (Amendment) Regulations 2011.
- 8.47 A Habitats Regulation Assessment screening has been undertaken as the application site is within 10km away of statutorily designated sites ('The Wash and North Norfolk Coast' Special Area of Conservation and 'The Wash' Special Protection Area).

Screening results

- 8.48 The development would give rise to nitrogen deposition on the Wash which was more than 1% of the critical load for Common Scoter (a feature of the SPA). Following further investigation into this, it was ascertained that the relevant critical load being used by SCAIL was that of 'Oligotrophic Waters' at 3kg/ha/y, the Common Scoter's breeding habitat. The Wash SPA does not contain this habitat, and so the critical load associated with it should not be utilised when assessing potential impacts to the site/site's features. Although this has been identified to be an error with the assessment tools, the development was then considered against the next lowest critical load, which was for 'Coastal Stable Dune Grasslands' at 8kg/ha/yr. The development would not give rise to nitrogen deposition which would breach 1% of this critical load. Additionally, the proposed development would not give rise to more than 1% of the relevant critical levels for NH₃ at The Wash. Thus, for this development it is considered that no likely significant effect is expected on The Wash. As a result, no further air quality assessment is required.

- 8.49 As such it is considered that the proposed development will not have likely significant effects on The Wash Special Protection Area. Furthermore, the proposed development will not damage or destroy the interest features of The Wash Site of Special Scientific Interest.
- 8.50 In the absence of an objection from Natural England a significant effect to the protected areas can be ruled out and therefore it is not required to undertake a Habitat Regulation Assessment.

Ecology

- 8.51 The applicant has undertaken an Ecological Survey of the land to be considered against SELLP Policy 28 which seeks to protect and enhance protected and non-protected species with the site.
- 8.52 No evidence of Japanese Knotweed, Giant Hogweed, Himalayan Balsam or any other invasive or notable weed species listed on Schedule 9 (section 14) of the Wildlife and Countryside Act (1981) (as amended) was identified within the application site.
- 8.53 The roots of trees on the site and its boundaries can be adequately protected during work in accordance with industry standards and a number of trees should be retained in the scheme. Those trees which are within the development footprint should be translocated to the sides of the site. This should be possible given their age and recent establishment.
- 8.54 In respect of protected species the ecological survey identifies the following:

Amphibian – there is no standing water on the site and no ponds within 250m of the site. There is however an open drain to the North. It was recorded that macrophyte cover appears low, the drain appears to be dredged. Water quality was good with abundant invertebrates. Fish are likely to be present, provisioning by wildfowl does not appear to occur. The drain would not be unsuitable for amphibian breeding but the presence of fish would likely significantly reduce its potential for use by Great crested newts. Amphibians would be unlikely to attempt to cross the site as it comprises an area that is mostly open with uniform length grass or hardstanding and whilst not a physical barrier to the dispersal of amphibians, the site was regarded as being a potentially hostile environment to common frog (*Rana temporaria*) and smooth newt (*Lissotriton vulgaris*). In terms of amphibians it is concluded that the proposed development will not result in the permanent loss of or a substantial negative effect on any waterbodies or foraging areas linked to them.

Badger - badger setts do not occur on site and a lack of feeding signs or runs across the site would suggest that they do not occur within 30m of site boundaries. It is concluded that the proposed development will not impact on any existing badger runs or setts, and that the porosity of the surrounding fields to the passage of badgers will not be affected.

Bats - there are 55 records of six species of bat within 2km of the site and that the foraging habitat at the site was very poor for bat species being open and exposed. The buildings, hardstanding and amenity grassland offers negligible foraging opportunities for bats. It is considered there would not be significant degradation of

foraging habitat (including trees and vegetation within the site) as a result of the proposal.

Birds - the hedgerow to the north of the site offers potential habitat for feeding and nesting birds and should be retained. The amenity grassland and hardstanding was assessed as having a very low potential for nesting birds as it is regularly disturbed.

Brown Hare - the site boundary has some potential for brown hares to create forms but use of the site is likely to be limited due to its open and exposed nature and regular human presence. It is concluded the risk to brown hares is very low.

Other - The boundary grassland was recorded as species poor and provides little potential for use by hedgehog (*Erinaceus europaeus*). It was reported that fragmentation of habitat locally and existing land use do not provide optimal conditions for the free passage of this species across the site and slugs and snails are likely to occur only at very low numbers. The site maybe crossed by species such as fox (*Vulpes vulpes*) and rabbit (*Oryctolagus cuniculus*), however, it is considered the proposed development would not have a significant effect. The boundary ditches are dry so would not likely be used by Water Vole (*Arvicola amphibious*) or Otter (*Lutra lutra*). No evidence of these species were found on site.

- 8.55 It is therefore considered the proposed development would not significantly impact protected species or their habitats.
- 8.56 In principle the proposed development satisfies SELLP Policy 28. To further protect species and their habitats it is considered expedient to attach planning conditions to ensure that any site clearance is undertaken during daylight hours, light overspill from the site is avoided, works are outside of the bird breeding season and that the means of construction provides escape routes for animals. Furthermore, a planning condition would offer sufficient protection of the retained trees and identify the trees which can be relocated before work commences on site.

Biodiversity

- 8.57 Policy 28 of the Local Plan requires all development proposals to provide an overall net gain in biodiversity.
- 8.58 Paragraph 170 of the NPPF states that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things) minimising impacts on and providing net gains for biodiversity'.
- 8.59 The Site comprises amenity grassland with newly planted scattered trees bond by arable fields, with a timber and brick built stable / store north of the site.
- 8.60 The roots of trees on the site and its boundaries should be adequately protected during work in accordance with industry standards and trees should as far as possible be retained in the scheme. Those trees which are within the development footprint should be translocated to the sides of the site. This should be possible given their age and recent establishment.
- 8.61 The hedgerows around the site are shown to be retained. However, to achieve a net gain further planting of trees and hedgerows can be secured by planning

condition so that native species can be incorporated. A Grampian style planning condition is attached to the recommendation so that further uplift measures can be secured within the site to enhance habitat establishment with a Landscape and Biodiversity Management Plan (LBMP), to detail and secure long-term management, maintenance and monitoring requirements of any newly created or enhanced habitats.

8.62 As such the proposed development would satisfy SELLP Policy 28.

9.0 Summary and Conclusion

9.1 The principle of the development is considered to be sound.

9.2 The overall appearance of the building is synonymous with the surrounding agricultural setting. The introduction of the proposed building in terms of its size, scale and design would assimilate and be read with the existing agricultural building that exists on the site.

9.3 Providing acoustic attenuators are attached to the proposed building the level of noise and the general impact on amenity is within an acceptable tolerance.

9.4 Through the use of planning conditions to ensure additional soft landscaping is incorporated into the site the effect on the settings of the designated and undesignated heritage assets would not be severely harmed.

9.5 It is considered that the proposal will not have harmful impacts upon highway safety

9.6 Subject to the submission of a flood warning and evacuation plan flood risk has been addressed.

9.7 A significant effect to the protected areas can be ruled out and therefore it is not required to undertake a Habitat Regulation Assessment.

9.8 The proposed development satisfies SELLP Policy 28 in terms of effect on ecology and biodiversity.

9.9 It is considered, this application is in general accord with the South East Lincolnshire Local Plan and the NPPF. As such the application is recommended accordingly.

10.0 Recommendation

10.1 It is recommended that Committee approves the application subject to conditions.

RECOMMENDED CONDITIONS

01

The development must be begun not later than the expiration of four years from the date of this permission.

Reason: To comply with the requirements of section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall be carried out in strict accordance with the application received 10 November 2021 and in accordance with the associated plans referenced, which are to be read in conjunction with the Environmental Statement that has been submitted:

- Drawing Number: 2207-001 Rev A;
- Drawing Number: 2207-006 Rev A;
- Drawing Number: 2207-011 Rev A; and,
- Pest Control Plan (Environmental Statement, Volume 4: Technical Appendices, Appendix 11.5)

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the South East Lincolnshire Local Plan (2011-2036) and the National Planning Policy Framework (2021).

03

No development shall take place until a Construction Environmental Management Plan (CEMP) and Statement has been submitted to and approved in writing by the Local Planning Authority. The CEMP and Statement shall include:

- a) daylight only hours of work for site preparation, delivery of materials and construction;
- b) arrangements for the parking of vehicles for site operatives and visitors;
- c) details of areas designated for the loading, unloading and storage of plant and materials;
- d) details of the siting, height and maintenance of security hoarding;
- e) arrangements for the provision of wheel washing facilities for vehicles accessing the site;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from construction works; and
- h) a strategy to inform neighbouring occupiers (which as a minimum, shall include those adjoining the site boundaries) of the timing and duration of any piling operations, and contact details for the site operator during this period.
- i) details showing means of escape routes for animals in excavated areas

Development shall thereafter be carried out in full accordance with the duly approved CMS.

Reason: In order to ensure that appropriate measures are put in place before any development commences to limit noise, nuisance and disturbance to the occupiers of neighbouring properties and to protect wildlife during the construction of the development to accord with Policies 2, 3, 28 and 30 of the South East Lincolnshire Local Plan (2011-2036).

04

No development (including any works of site preparation) shall take place until a Written Scheme of Investigation (WSI) outlining a programme and timetable of archaeological investigation has been submitted to and approved in writing by the local planning authority. The WSI shall include:

- (i) A phased programme and methodology of site investigation and recording to include:

- a desk-based assessment including, where appropriate, historic building assessment(s), detailed survey and interpretative record;
 - a targeted archaeological evaluation; and
 - where appropriate, targeted area excavation.
- (ii) A programme for post investigation assessment to include:
- analysis of the site investigation records and finds;
 - production of a final report on the significance of the archaeological interest represented.
- (iii) Provision for publication and dissemination of the analysis and report on the site investigation.
- (iv) Provision for archive deposition of the report, finds and records of the site investigation.
- (v) Nomination of a competent person(s) or organisation to undertake the work set out in the approved WSI.

The development shall thereafter be carried out in full accordance with the approved WSI and the timetable contained therein.

Reason: To ensure that a suitable programme of archaeological investigation is implemented prior to the commencement of any construction works in order to record and advance the understanding of the archaeological and historical significance of the site for archival and research purposes in accordance with the requirements of South Lincolnshire Local Plan (2011-2036) Policy 29 and the National Planning Policy Framework (2021).

05

No excavation or site clearance shall commence unless and until a scheme for tree relocation and protection measures (both above and below ground) to be implemented prior to site preparation and the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- (i) Identification of the trees which are to be relocated and details how they are to be moved and planted;
- (ii) Details of a construction exclusion zone (including protective fencing of a height and design which accords with the requirements BS 5837: 2012) to be formed around the root protection areas of those trees to be retained;
- (iii) Details of any excavation to take place within the root protection areas of those trees to be retained;
- (iv) Details of the foundations of any building, hardstandings and/or boundary treatments to be constructed within the root protection areas of those trees to be retained.

The development shall thereafter be carried out in strict accordance with the protection measures contained within the duly approved scheme throughout the entirety of the excavation, site preparation and construction period.

Reason: To ensure that adequate measures are put in place to protect existing trees which are to be retained as part of the development before any construction works commence in accordance with the requirements of Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036).

06

No development shall take place until details of the acoustic attenuator including details of its method of construction, any odour control measures, noise levels, its appearance and finish have been submitted to and been approved in writing by the Local Planning

Authority. The approved scheme shall be installed before the use hereby permitted commences and thereafter shall be permanently retained.

Reason: These details need careful consideration and formal approval to safeguard the amenity of nearby properties and to protect the general environment. The details are needed to ensure that noise from fixed plant and machinery shall not exceed 30dB LA eqT measured at the northern boundary of the site which will ensure accordance with Policies 2 and 30 of the South East Lincolnshire Local Plan (2011-2036).

07

Prior to the commencement of development above slab level, full details of a landscaping scheme and the biodiversity enhancement measures across the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of:

- The type, species, siting, planting distances and the programme of planting of trees;
- Hedges and shrubs appropriate to the local landscape and ecology, including native species of local provenance and of known value to wildlife;
- A landscape and Biodiversity Management Plan (LBMP) and a timetable for their implementation.

The duly approved landscaping scheme shall be carried out during the first planting season after the development is substantially completed and shall be managed in accordance with the LBMP thereafter.

Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure appropriate landscaping of the site in the interests of visual amenity, to enhance the character of the locality and to provide biodiversity enhancements in accordance with the requirements of Policy 2, 28 and 29 of the South East Lincolnshire Local Plan (2011-2036).

08

Notwithstanding any description of materials in the application and the requirements of condition 2 of this permission, no above ground works shall take place until samples or full details of all materials to be used on the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall thereafter be implemented in accordance with the duly approved materials.

Reason: To ensure use of appropriate materials which are sympathetic to the character of adjacent building and its countryside setting in the interests of visual amenity to accord with the requirements of South East Lincolnshire Local Plan (2011-2036) Policy 2 and 3, and the National Planning Policy Framework (2021).

09

Prior to the building hereby permitted first being brought into use an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The

approved plan shall incorporate how odour is managed cumulatively with the existing building within the site. Thereafter the site shall be managed in accordance with the approved Odour Management Plan.

Reason: In order to ensure the efficient dispersal of any odours emanating from the site in the interests of the amenity of neighbouring occupiers to accord with the requirements of South East Lincolnshire Local Plan (2011-2036) Policy 2 and 30, and the National Planning Policy Framework (2021).

10

Prior to the building hereby permitted first being brought into use, a flood warning and evacuation plan incorporating the existing building(s) within the entire site shall be submitted to and approved in writing by the Local Planning Authority.

The approved plan shall then be implemented in accordance with a timetable agreed with the Local Planning Authority and the site shall be operated in accordance with the agreed plan at all times.

Reason: To reduce the risk of flooding and that measures are in place to protect users of the site and to comply with Policy 4 of the South East Lincolnshire Local Plan (2011-2036).

11

No above ground works shall take place until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, the scheme shall include:

- (i) details of the rate of surface water discharge from the site to any soakaway, watercourse or sewer, including provisions to ensure that the post-development discharge rate does not exceed the pre-development rate (incorporating an appropriate allowance for climate change);
- (ii) details of any necessary flow attenuation measures, including the use of SUDS where appropriate; and
- (iii) details of how the scheme will be maintained and managed after completion.

The scheme shall be implemented in accordance with the duly approved details before the building is first brought into use and shall be maintained and managed as such thereafter.

Reason: To ensure that the development is not at risk of flooding and does not increase flood risk elsewhere, and that adequate measures are put in place for the disposal of foul and surface water in accordance with the requirements of Policy 2 and 4 of the South East Lincolnshire Local Plan (2011-2036).

12

No clearance of any vegetation in preparation for or during the course of development shall take place during the bird nesting season (March to August inclusive) unless an ecological survey has first been submitted to and approved in writing by the Local Planning Authority which demonstrates that the vegetation to be cleared is not utilised for bird nesting.

Should the survey reveal the presence of any nesting species, then no clearance of any vegetation shall take place during the bird nesting season until a methodology for

protecting nest sites during the course of the development has been submitted to and approved in writing by the Local Planning Authority. Nest site protection shall thereafter be provided in accordance with the duly approved methodology.

Reason: In order to prevent any habitat disturbance to nesting birds in accordance with the requirements of Policy 2 and 28 of the South East Lincolnshire Local Plan (2011-2036).

13

In the unlikely event that any signs of protected species or invasive species are found, then no further development shall take place until a comprehensive method statement indicating how any protected species are to be safeguarded during the construction period and how appropriate mitigation measures (including habitat compensation and enhancement) are to be incorporated into the development has been submitted to and approved in writing by the Local Planning Authority.

The duly approved method statement shall be implemented in full accordance with the details, recommendations and timescales contained therein and any mitigation measures shall be fully implemented before the building is first brought into use and retained as such thereafter.

Reason: To ensure that appropriate measures are taken to ensure that adequate mitigation measures are introduced as part of the development in order that it does not adversely affect the favourable conservation status of any protected species in accordance with the requirements of Policy 2 and 28 of the South East Lincolnshire Local Plan (2011-2036), the National Planning Policy Framework (2021), the Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended).

14

Notwithstanding any details contained within the application, a scheme for the installation of any external lighting on the building(s) and the external areas of the site shall be submitted to and approved in writing by the Local Planning Authority before any lighting is installed. The scheme shall include details of the lighting's:

- (i) position and height on the building(s) and/or site;
- (ii) spillage, luminance and angle of installation; and
- (iii) any hoods to be fixed to the lights.

Any external lighting shall only be installed in accordance with the duly approved scheme.

Reason: In the interest of protecting wildlife from light overspill from the site which would accord with Policies 2 and 28 of the South East Lincolnshire Local Plan (2011-2036).

INFORMATIVE NOTES TO APPLICANT

01

Bank Farm Poultry Unit currently holds an environmental permit (EPR-HP3107LE) for the rearing of pullets in a facility with a capacity for 64,000 places. A variation to this permit would need to be applied for if the site wishes to construct further two sheds and increase bird numbers to 132,000 as proposed.

Pre-Application advice should be sought via our website by submitting the web-based form to our Pre-Application Advice Service:

<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>

02

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.

To get help during a flood, visit <https://www.gov.uk/help-during-flood>.

For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

Further information regarding environmental permits can also be found on our website at: <https://www.gov.uk/topic/environmental-management/environmental-permits>

03

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse and any structures within lies with the adjacent landowners, regardless of whether the watercourse is maintained by the Board.

Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.

If the applicant intends to pipe or fill any watercourse, including the replacement of any existing culverts such as the access from the highway on the northern boundary, then under Section 23 of the Land Drainage Act 1991 the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion. This is mandatory.